

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SHAWN MCKEE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:25-cv-00362-JLT-SAB

ORDER REQUIRING PLAINTIFF TO  
SHOW CAUSE WHY SANCTIONS  
SHOULD NOT BE IMPOSED FOR  
FAILURE TO FILE OPENING BRIEF

**THREE DAY DEADLINE**

On March 27, 2025, Plaintiff initiated this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On March 28, 2025, the Court issued a scheduling order. (ECF No. 5.) Pursuant to the scheduling order, Plaintiff’s opening brief was due 30 days after the filing of the administrative record. (*Id.* at 2.) The administrative record was lodged on May 21, 2025 (ECF No. 10); thus, Plaintiff’s opening brief was due by June 20, 2025. Plaintiff has not filed an opening brief or requested an extension of time to do so.


Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000).

1 Plaintiff's failure to timely file the opening brief, or seek an extension to do so,  
2 constitutes a failure to comply with the Court's order. Accordingly, Plaintiff will be directed to  
3 show cause why sanctions should not issue for failure to file the opening brief in compliance  
4 with the Court's March 28, 2025 scheduling order.

5 Based on the foregoing, IT IS HEREBY ORDERED that **within three (3) days of entry**  
6 **of this order**, Plaintiff shall show cause in writing why sanctions should not issue for the failure  
7 to comply with the Court's scheduling order (ECF No. 5). Plaintiff is advised that filing an  
8 opening brief without showing cause in writing why sanctions should not issue is an insufficient  
9 response to this order. Failure to comply with this order will result in the imposition of sanctions  
10 up to and including recommendation of dismissal of this action.

11 IT IS SO ORDERED.

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13 Dated: June 24, 2025

  
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STANLEY A. BOONE  
United States Magistrate Judge